

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

UNITED STATES OF AMERICA
Plaintiff,

v.

JOSE TIRADO NIEVES
Defendant.

CRIMINAL NO. 17-513 (ADC)

SENTENCING MEMORANDUM

In June of 2017, two months before Puerto Rico Police Department (“PRPD”) agents executed a search warrant on his home, an unknown individual pulled up next to Jose’s vehicle and emptied a full magazine into it. Jose was hit in the leg and had to undergo surgery.

Jose is not asking for a break, nor is he making excuses for himself. He understands that his criminal record leaves a lot to be desired. He is not proud of the life he has led. He is, however, proud of how he has handled this situation, and he is extremely hopeful for the future. At 36 years old, Jose has already lost two brothers and a cousin to street violence. He was convinced he was next. This arrest, he believes, may have saved his life. He is committed to doing his time and starting a new life upon his release.

Jose Tirado Nieves is not your typical defendant. In sentencing him, he asks the Court to consider:

- 1) Mr. Tirado Nieves has made mistakes, even criminal ones, but nothing suggests he is destined for a life of crime;
- 2) Mr. Tirado Nieves is committed to starting a new life outside of Puerto Rico;
- 3) A guideline sentence is sufficient punishment and would achieve the goals of our criminal justice system.

Upon his arrest, Jose cooperated with law enforcement and gave a full confession. He is too old for this life and is determined to change his ways. He hopes that—before deciding his fate—this Court will take this new outlook on life into consideration.

Mr. Tirado Nieves has made mistakes, even criminal ones, but nothing suggests he is destined for a life of crime

This memorandum attempts to explain, not justify, how a kid from a seemingly close knit, two-parent home, ended up in possession of two rifles, a pistol, and a slew of ammunition

Mr. Tirado Nieves Luis Tirado Nieves is a 36 year old native of Rio Piedras, Puerto Rico. His parents, Rosa Maria Nieves Collazo and Miguel Angel Tirado Benitez, showered him, and his three siblings, Ada Michelle, Juan, and Miguel, with as much love and affection as they could. His childhood, however, was marred by a series of traumatic events.

When Jose was in elementary school his cousin, Steven Ramos Nieves, moved in with his family. Steven's mom had recently been murdered and Jose's parents decided to take Steven in. Steven and Jose grew up like brothers.

When Jose was in high school, his brother, Miguel, was convicted of involuntary manslaughter. In 1999, while riding in a car with him, a car pulled up next to them and began shooting. Miguel died in his arms. Jose was 16 years old.

In 2004, Steven, who also had a criminal record, was murdered. Within a few months he was arrested for robbery and illegal possession of a firearm. By this point, he was paranoid and convinced that he too would be murdered if he did not protect himself. In 2006, he was sentenced to 13 years in prison.

Seven years later, in 2012, Jose was released. He was 30 years old and determined to turn his life around. In many ways he did just that. He enrolled in Electrician courses at the Licero de Arte y Tecnologia, in Dog Grooming Courses at PPG Technical College, and he met his best friend and first true love, Gueisa Reyes. Gueisa's daughter, Joanixis, was just 4 years old and he quickly took on a father figure role. He was beating the odds.



In December of 2015, while standing at his doorway, his brother, Juan, was murdered. Their past was coming back to haunt them.



In June of 2017, Jose's parents' car was shot at and a few weeks later he was shot while driving his car. He was rushed to the hospital to undergo surgery. He left the hospital in a wheelchair, and terrified. This last incident terrified Jose and led him to purchase a pistol for his own protection.

Every journey has its setbacks. Despite living crime-free for more than 6 years , Mr. Tirado Nieves did let his chance go to waste. Needless to say, the decisions Mr. Tirado Nieves made in June of 2017, will haunt him, like a shadow, for the rest of his life. He does not, in any way, try to justify his actions. He does not defend them, and he does not feel sorry for himself; he accepts full responsibility for his crimes. His arrest in this case has changed his life.

Mr. Tirado Nieves is committed to starting a new life outside of Puerto Rico

His sister, and only living sibling, Ada Michelle, lives in Philadelphia, Pennsylvania and works as a registered nurse. His parents, Rosa and Miguel, moved to Philadelphia in the wake of Hurricanes Irma and Maria, and his common-law wife, Gueisa, already has an apartment there and will move as soon as Jose is sentenced in this case.

Jose is tired, and ready to move on with his life. He wants a family, a job, and a most importantly, to grow old. His parents have lost two children already. They are heartbroken and could not bear to lose another one.

A guideline sentence is sufficient punishment and would achieve the goals of our criminal justice system.

The factors promulgated by the U.S. Sentencing Commission, and in 18 U.S.C. §3553, work to further the basic purposes of criminal punishment: deterrence, incapacitation, just punishment, and rehabilitation.¹ Nothing suggests, that in this case, those purposes can only be met by sentence above the applicable guideline range, based on a total offense level of 19.

Mr. Tirado Nieves will leave prison a new man. He will have the responsibility of successfully completing the supervised release term imposed by this Court, and will need to learn to balance his participation in mandatory programs, drug testing, and reporting to his probation officer, with working full time and raising his son. Tough times await him.

Mr. Tirado Nieves, therefore, respectfully requests leniency and mercy, and that this Court take into consideration the tragedies that have befallen his family over the last two decades, and impose a sentence within the applicable guideline range in this case, followed by a term of supervised released and job training.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this date I electronically filed the foregoing motion with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the parties of record.

RESPECTFULLY SUBMITTED.

At San Juan, Puerto Rico, this October 2, 2018.

ERIC A. VOS, ESQ.
Federal Public Defender
District of Puerto Rico

S/JUAN J. MICHELEN
Juan J. Michelen,
Assistant Federal Public Defender,
USDC-PR G02601
241 F.D. Roosevelt Avenue
San Juan, PR 00918-2305
Phone No. (787) 281-4922
Juan_Michelen@fd.org

¹ USSG §1.A.2